

Article - Public Utilities

[\[Previous\]](#)[\[Next\]](#)

§7-303.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Apartment house” means one or more buildings that each contain more than two dwelling units and in which all the dwelling units are occupied primarily for nontransient use with rent paid at intervals of 1 week or longer.

(ii) “Apartment house” includes a residential condominium or cooperative, whether the units are rented or owner occupied.

(3) “Commercial rental unit” means any leased premises used for retail, commercial, clerical, or professional purposes.

(4) “Dwelling unit” means premises that consist of one or more rooms suitable for occupancy as a residence and that contain kitchen and bathroom facilities.

(5) “Office building” means one or more buildings that each contain two or more commercial rental units.

(6) “Shopping center” means any combination of privately owned commercial, professional, or retail establishments to which the general public is invited for business purposes.

(7) “Submetering” means the installation of equipment to determine the actual use of gas or electricity for each:

(i) residential unit in an apartment house; or

(ii) commercial rental unit in an office building or shopping center.

(b) An apartment house, office building, or shopping center that contains a combination of dwelling units or commercial rental units is included under the requirements of this section.

(c) Subject to the provisions of this section, and with the approval of the Commission, a local housing authority established under Division II of the Housing and Community Development Article may submeter any combination of apartment

houses, commercial rental units, dwelling units, office buildings, and shopping centers.

(d) (1) Notwithstanding any other law, the Commission shall adopt regulations to establish standards:

(i) by which an owner, operator, or manager of an apartment house, office building, or shopping center may install submetering equipment for each dwelling unit or commercial rental unit that is not individually metered for gas or electricity; and

(ii) to allocate fairly the cost of each unit's gas or electrical consumption.

(2) (i) An owner, operator, or manager of an apartment house, office building, or shopping center who installs submetering equipment under this section to provide bulk metered service may not impose on a unit in the facility any utility cost except the charges that the Commission authorizes and that the gas company or electric company actually imposes on the owner, operator, or manager.

(ii) The charges imposed under subparagraph (i) of this paragraph shall be allocated among the units in proportion to the actual usage of cubic feet or kilowatt hours by the unit.

(iii) The owner, operator, or manager of an apartment house, office building, or shopping center may collect an additional service charge not exceeding \$1 per unit per month to cover administrative costs and billing.

(3) (i) The requirements of this paragraph do not apply to units constructed, managed, operated, developed, or subsidized by a local housing authority established under Division II of the Housing and Community Development Article.

(ii) If the owner, operator, or manager of an apartment house, office building, or shopping center installs submeters during the term of a lease or agreement that includes the cost of gas or electricity consumed for the unit, the owner, operator, or manager shall:

1. determine the amount of gas or electric costs saved by that unit; and

2. pass that amount on to the unit's occupant as a payment or reduction in rent.

(4) All submetering equipment under this section is subject to:

(i) the regulations and standards that the Commission adopts for the accuracy, testing, and record keeping of meters that gas companies or electric companies install; and

(ii) the meter requirements of §§ 7-301 and 7-302 of this subtitle.

(e) The regulations that the Commission adopts under this section shall:

(1) include appropriate safeguards for the occupant of the dwelling unit or commercial rental unit;

(2) require that the utility costs and charges on each unit be imposed in accordance with subsection (d)(2) of this section; and

(3) require that the owner, operator, or manager of the apartment house, office building, or shopping center:

(i) maintain adequate records regarding submetering; and

(ii) allow the occupant of the unit to inspect the records during reasonable business hours.

(f) A regulation or standard that the Commission adopts under this section may be enforced under §§ 3-104 and 13-101 of this article.

(g) The owner, operator, or manager of an apartment house, office building, or shopping center:

(1) may not be considered a public service company; and

(2) may use metering equipment only to allocate fairly the costs of gas or electric service among the occupants of the apartment house, office building, or shopping center in accordance with subsection (e) of this section.

(h) (1) A complaint by an occupant of a dwelling unit or commercial rental unit against an owner, operator, or manager of an apartment house, office building, or shopping center under this section may be filed in the county or municipal corporation where the apartment house, office building, or shopping center is located.

(2) A complaint filed under paragraph (1) of this subsection may be handled by:

(i) the landlord-tenant commission, if one exists, of the county or municipal corporation;

(ii) the consumer protection agency, if one exists, of the county or municipal corporation if there is not a landlord-tenant commission in the county or municipal corporation;

(iii) the Consumer Protection Division of the Office of the Attorney General, if there is not a consumer protection agency in the county or municipal corporation; or

(iv) any other State or local government unit or office designated to handle tenants' complaints.

(i) This section does not affect the right of an owner, operator, or manager of an apartment house, office building, or shopping center to redistribute gas or electricity to tenants or occupants.

[\[Previous\]](#)[\[Next\]](#)